



General Assembly

Distr.: General

31 July 2018

Original: English

Seventy-third session

Item 74 (a) of the provisional agenda*

**Promotion and protection of human rights:
implementation of human rights instruments**

United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolutions 36/151 and 70/146. It describes the activities undertaken by the United Nations Voluntary Fund for Victims of Torture, in particular the outcome of the forty-seventh session of the Fund's Board of Trustees.

* A/73/150.



I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with the arrangements approved by the General Assembly in its resolution 36/151, by which it established the United Nations Voluntary Fund for Victims of Torture. It presents the activities undertaken by the Fund, in particular the outcomes of the forty-seventh session of the Board of Trustees, held in Geneva from 9 to 13 April 2018. The present report complements the report on the activities of the fund submitted to the Human Rights Council at its thirty-seventh session (A/HRC/37/20), in December 2017.

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with its mandate and the practice established by its Board of Trustees, the Fund provides grants to established channels of assistance, including non-governmental organizations, associations of victims and members of their families, private and public hospitals, legal clinics, public interest law firms and individual lawyers, that submit project proposals involving medical, psychological, social, financial, legal, humanitarian and other forms of direct assistance to victims of torture and members of their families.

C. Administration of the Fund and Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights with the advice of the Board of Trustees, which is composed of five members acting in their personal capacity and appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments. The Board is currently composed of Sara Hossain (Bangladesh), Lawrence Mute (Kenya), Vivienne Nathanson (United Kingdom of Great Britain and Northern Ireland), Gaby Oré Aguilar (Peru) and Mikołaj Pietrzak, Chair (Poland).

II. Forty-seventh session of the Board of Trustees

4. The forty-seventh session of the Board, held in Geneva from 9 to 13 April 2018, was chaired by Mikołaj Pietrzak. The agenda covered three main issues: knowledge-sharing in the field of rehabilitation of torture victims, strategic partnerships with relevant stakeholders and working methods of the Fund.

A. Knowledge-sharing

Expert workshop on the theme "Seeking justice for torture: a victim-centred approach"

5. The Board of Trustees convened an expert workshop in Geneva on 11 and 12 April 2018 to discuss current challenges in the context of seeking justice for torture. The workshop brought together 20 professionals from various backgrounds (medical, psychological, social and legal) from rehabilitation centres financially supported by the Fund (see annex).

6. The workshop was part of the annual series of thematic discussions, initiated by the Board in 2014 with the aim of collecting and disseminating expertise on redress and rehabilitation of victims of torture. Annual thematic workshops gather victims, human rights defenders and practitioners from projects supported by the Fund to share best practices and identify effective responses to the most pressing challenges confronting torture survivors today. The workshops also serve as a platform to display the concrete impact of the Fund's work, bringing forward voices and testimonies on the incidence of torture and the importance of rehabilitation for victims and their families.

7. Before the workshop, on 11 April 2018, the Board hosted a high-level public panel on the same subject. In the context of the commemorations of the seventieth anniversary of the Universal Declaration of Human Rights, panellists shared their views and experiences in the field of redress for victims of torture since the affirmation of the legal principle of the absolute prohibition of torture. Representatives from civil society also shared poignant testimonies on the difference made by the Fund for their programmes aimed at seeking justice for victims and their families. The high-level panel included the following: Kate Gilmore, United Nations Deputy High Commissioner for Human Rights; Carsten Staur, Permanent Representative of Denmark to the United Nations in Geneva; Jens Modvig, Chair of the Committee against Torture; Rupert Skilbeck, Director of REDRESS; Estela de Carlotto, Co-Founder and President of the Grandmothers of the Plaza de Mayo; Hassan Bility, torture survivor and Director of the Global Justice and Research Project.

8. The workshop consisted of three working sessions focusing on litigation, specific groups and interdisciplinary assistance in the legal process. They were each followed by an interactive discussion. The framework for the discussion was the right to redress and the centrality of victims in securing redress. The workshop discussions are summarized in a report available on the Fund's website.¹ Full statements from all panellists are also available on the website.

9. The main recommendations and findings of the workshop were as follows:

Litigation and developments in the legal framework for justice

(a) Criminal proceedings before domestic courts, if available, should be pursued as a first step to judicial remedy;

(b) Universal jurisdiction can be used to trigger an international arrest warrant, and to prove that there is a *prima facie* basis for a case, which could prompt arrests of additional perpetrators and help bring justice forward;

(c) Litigation should focus on the specific needs of victims, not only on the merits of the case. The role of the victims before, during and after the process of seeking justice is central to any litigation process. The victims need to understand the theory of the case, participate in building the case and be made aware of any limitations of their case;

(d) It is necessary to ensure security and protection for victims and human rights defenders as well as legal actors, such as judges, who work on bringing justice for torture. Fear of retaliation can be barriers to the pursuit of justice;

(e) In addition to criminal penalties, or in jurisdictions where those are not obtainable, redress should aim at monetary satisfaction, granting of medical and

¹ See www.ohchr.org/torturefund.

psychological assistance, measures of non-repetition, and/or changes in legislation or policy;

(f) In addition to monetary remedies, civil litigation may have an implied deterrent effect, provide legal precedent and lead to changes in legislation and policy;

(g) Communications and outreach, including through the media, should be used to promote solidarity with victims and human rights defenders, raise awareness of victims' rights and the remedies that can be pursued, and promote changes in legislation and policy;

(h) The Fund should facilitate contact between organizations in order to share best practices and build common approaches in the litigation of torture cases;

Needs of specific groups

(i) Victims of torture may experience discrimination on multiple grounds (e.g., gender, disability, political affiliation); thus, it is important to seek redress and remedy through an intersectional approach;

(j) Certain victims, for example, victims of sexual and gender-based violence, may face stigma as a result of the crimes committed against them and need targeted support to encourage the reporting of violations and subsequent testimony;

(k) When working with children, additional care should be taken to explain the case in a way that it can be understood by the child. Child victims may need additional assistance to express themselves during their testimonies. Extra time and care may also be needed from practitioners and lawyers when supporting victims with disabilities;

(l) Since many victims suffer torture due to discriminatory laws or practices, advocacy and awareness-raising on combatting discrimination are important in preventing future cases of torture;

(m) Many victims of torture, for example, rural populations and indigenous peoples, lack influence and resources and are marginalized in their countries. Strengthening local institutions, including by providing services in local languages, could make it easier for them to speak with professionals who can educate them about their rights and how to assert them;

(n) Reasonable accommodation should be available to help victims' access to justice. For example, persons with disabilities may need interpretation services or physical support to participate in cases;

(o) The impact of torture often extends beyond the victims and onto families, communities, and future generations (for example, children born out of sexual violence). To be truly rehabilitative, remedies need to be broader, including the creation of memorials or commemorations to promote public solidarity with victims;

Interdisciplinary assistance in the legal process

(p) Psychosocial support should be available for victims before the legal process begins in order to prevent retraumatization;

(q) Collaboration between partner organizations from different countries and fields, such as medical professionals and forensic doctors, is conducive to a more holistic approach in terms of support, ensuring that medical injuries are properly documented and that victims pursuing legal remedies also have access to psychosocial assistance;

(r) Burnout of staff working with victims of torture should not be ignored and rehabilitative services for rehabilitation staff should be made available;

(s) Security for human rights defenders and members of the media is also a necessary consideration since retaliation against these individuals may hamper the judicial process and discourage victims and practitioners from bringing cases to justice;

(t) Psychosocial services can play an instrumental role, not only in helping victims of torture handle the impact of preparing for testimony, but also in managing expectations with regard to the length of the legal process and the outcomes attainable through litigation;

(u) Medical assistance is necessary, not only to ensure that victims are physically able to testify, but also to document the evidence of torture. Perpetrators in some contexts have learned how to torture without leaving scars or marks, but a trained medical professional may be able to identify evidence of torture even years after the crime has been committed;

(v) The victim's livelihood should also be considered as victims often need financial assistance, including in the form of vocational training and/or education, to help them reintegrate into society and find stability;

(w) A goal-setting model, which serves to identify the victim's short-, medium- and long-term objectives, can help practitioners determine what services are most needed by the victim;

(x) Practitioners need to build trust with victims, including by having empathy with their reality and listening to their opinions and preferences when designing legal strategies. The interests of the victim should be the priority, and lawyers should not treat the other aspects of rehabilitation as merely transactional.

10. The Board recommended that this knowledge-sharing programme continue and that, each year, a topic relevant to the issue of redress and rehabilitation of victims of torture be chosen. The Board also recommended the creation of a web-based platform to facilitate contact between practitioners and specialized civil society actors operating in different regions and countries in support of victims of torture and their families.

B. Strategic partnerships

11. On 10 April 2018, the Board convened a meeting with leading anti-torture non-governmental organizations, including the Association for the Prevention of Torture, World Organisation Against Torture, International Rehabilitation Council for Torture Victims and Amnesty International, to discuss contemporary challenges in relation to anti-torture advocacy and the provision of rehabilitation services. Organizations encouraged the Fund to shape and disseminate a victim-centred narrative and increase outreach and support in places where the space for civil society is increasingly challenged. The Board recommended including meetings with leading anti-torture non-governmental organizations as a regular item on its session agenda.

12. On 13 April 2018, the Board held a consultative meeting with Member States to provide an update on the activities and prospects of the Fund. A number of States, including Argentina, Austria, Chile, Czechia, Denmark, Germany, Ireland, Italy, Luxembourg, Norway, Peru, Portugal, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, expressed interest in the establishment of a "Group of Friends" of the Fund. A number of delegations were

appreciative of the Fund's efforts towards increased outreach and powerful storytelling and encourage the Fund to further disseminate its tangible achievements.

C. Working methods of the Fund

13. The Board reviewed working methods of the Fund against the targets underpinning the mission statement adopted in 2014. The Board notably recommended the development of a lighter application process for grantee organizations seeking yearly renewal of the financial support from the Fund.

14. The Board took stock of an ongoing mapping exercise undertaken by the secretariats of relevant grant-making entities in support of victim-focused programmes. The Board recommended the organization of a meeting at its next session with relevant United Nations mechanisms operating with a victim-centred mandate, including the recently appointed victims' rights advocate to share information with a view to maximizing the use of available resources for the delivery of assistance to victims and their families.

III. Cooperation with the Committee against Torture

15. On 7 May 2018, the Chair of the Board of Trustees of the Fund met with the Committee against Torture. Meetings between the two mechanisms have now become an annual feature in the agenda of the Committee. The Chair briefed the Committee on the Fund's activities and expressed appreciation for the growing cooperation between all anti-torture mechanisms of the United Nations.

IV. United Nations International Day in Support of Victims of Torture

16. On 26 June 2018, a compelling joint statement was issued by all anti-torture mechanisms of the United Nations, notably the Committee against Torture, the subcommittee on the prevention of torture, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the Fund. For the first time, regional mechanisms from Africa, Europe and the Americas, namely, the Committee on the Prevention of Torture in Africa, the Inter-American Commission on Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment joined this important advocacy initiative.

17. The joint statement highlighted the progress made over the past 70 years towards the eradication of torture. Since the landmark adoption of the Universal Declaration of Human Rights, the ban on torture and other ill-treatment has been incorporated into a large number of international and regional human rights treaties. The prohibition of torture has been elevated to *jus cogens*, thus recognizing that it is so fundamental that it supersedes all treaties and customary laws. The use of torture has been criminalised in a number of national legislations, accountability for the acts of torture has been incorporated into many penal codes and the universality of jurisdiction over acts of torture has been accepted. A system of regular visits by independent international and national mechanisms to places where people are deprived of their liberty has been established to help prevent torture and other ill-treatment.

18. Notwithstanding these achievements, the signatories denounced the continued use of torture, associated high rates of impunity and the increasing resort to torture,

especially in the context of the fight against terrorism. With one voice, they called for all acts of torture to be prosecuted effectively and for more action to be taken to prevent the recurrence of such acts. They also recalled that under international law, victims of torture have an enforceable right to effective remedy, including redress and rehabilitation and called upon States to renew efforts to fulfil the solemn promise of the Universal Declaration, namely, a torture-free world for all.

19. In a statement issued on the same day, the Secretary-General recalled, in strong terms, that torture was unacceptable and unjustified at all times, including during states of emergency, political instability and even war.

20. The United Nations High Commissioner for Human Rights issued a strong video appeal, disseminated via social media. In particular, he noted the decades that it took to restore human beings broken by the effects of torture. The High Commissioner underscored the critical role played by the United Nations Voluntary Fund in helping victims and their families, thus restoring a sense of humanity in affected communities.

21. To encourage other stakeholders to stand up against torture on the International Day, the Fund produced a number of short videos relaying stories of victims and practitioners. The Fund also launched its first edition of the UNVFVT Quarterly, a new initiative to share information with the anti-torture community, the Fund's friends and partners on upcoming events and meetings of United Nations anti-torture mechanisms and stories on progress made towards the eradication of torture and assistance for survivors.

V. Financial situation of the Fund

22. In 2017, the Fund received voluntary contributions totalling nearly \$8.4 million. In 2015 and 2014, the voluntary contributions exceeded \$9 million.

Contributions received from 1 January 2017 to 31 December 2017

<i>Donor</i>	<i>Amount (United States dollars)</i>	<i>Date of receipt</i>
States		
Austria	16 797	12 June 2017
Canada	45 112	19 April 2017
Chile	5 000	15 March 2017
Czechia	9 164	15 September 2017
Denmark	428 877	24 February 2017
France	21 231	25 April 2017
Germany	447 928	28 June 2017
Germany	202 132	13 December 2017
India	25 000	26 January 2017
Ireland	91 299	11 April 2017
Italy	32 017	28 March 2017
Italy	11 947	26 January 2018
Kuwait	10 000	1 April 2017
Liechtenstein	25 100	9 May 2017
Luxembourg	17 688	24 October 2017
Norway	100 876	4 August 2017
Peru	1 482	23 March 2017

<i>Donor</i>	<i>Amount (United States dollars)</i>	<i>Date of receipt</i>
Saudi Arabia	75 000	26 May 2017
South Africa	5 536	30 March 2017
Sri Lanka	5 000	19 January 2017
Switzerland	203 252	11 December 2017
Turkey	10 000	12 September 2017
United States of America	6 550 000	23 October 2017
Individual donors	309	
Total	8 339 630	

23. The Board of Trustees of the Fund expects its income to reach the \$9 million mark in 2018. The requests for assistance received under the call for applications for 2019 amount to a record-high of \$13.6 million.

VI. How to make a contribution to the Fund

24. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. For more information about the Fund and how to contribute, donors are requested to contact the secretariat of the United Nations Voluntary Fund for Victims of Torture, Office of the United Nations High Commissioner for Human Rights, United Nations, CH 1211 Geneva 10, Switzerland; e-mail: unvfvt@ohchr.org; telephone: 41 22 917 9624; fax: 41 22 917 9017.

25. Donations can also be made online at <http://donatenow.ohchr.org/torture>. Information on the Fund can be found at www.ohchr.org/torturefund.

VII. Conclusions and recommendations

26. The Fund continues to play an indispensable supporting role to scores of organizations providing specialized and unique assistance to victims of torture.

27. The interest generated by the yearly thematic workshops, convened by the Fund, is proof of the need for knowledge-sharing in the field of rehabilitation of victims of torture. The thematic workshop was particularly effective with regard to identifying victim-focused best practices in the context of seeking justice for torture acts.

28. The Secretary-General urges Member States and other stakeholders to support the Fund, noting that contributions are a concrete manifestation of the commitment of States to the elimination of torture, in line with the Convention against Torture, in particular article 14 thereof.

29. The Fund would need to enlarge its donor base and receive \$12 million (compared with the 2017 annual income of \$8.3 million) on a yearly basis to respond more adequately to the high demands for assistance received.

Annex**List of participants of the expert workshop on the theme
“Seeking justice for torture: a victim-centred approach”, held on
11 and 12 April 2018****Board of Trustees of the United Nations Voluntary Fund for Victims of Torture**

Mikołaj Pietrzak (Chair)

Gaby Oré Aguilar

Lawrence Mute

Sara Hossain

Vivienne Nathanson

Invited experts

Anette Carnemalm, Swedish Red Cross (Sweden)

Rupert Skilbeck, REDRESS (United Kingdom of Great Britain and Northern Ireland)

Amanda Ghahremani, Canadian Centre for International Justice (Canada)

Somaieh Woodworth, supported by the Canadian Centre for International Justice (Canada)

Anival Cayo Gonzales, Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos (Peru)

Ann Campbell, Validity (Hungary)

Ayed Mohammad Deeb Abu Eqtaish, Defence for Children International (State of Palestine)

Estela Barnes de Carlotto, Asociación Abuelas de Plaza de Mayo (Argentina)

Florencia Reggiardo, Center for Justice and International Law (United States of America)

Hassan Bility, Global Justice and Research Project (Liberia)

Jessica Feghali, International Refugee Assistance Project (Lebanon)

Katie Taylor, Reprieve (United Kingdom of Great Britain and Northern Ireland)

Khaled Rawas, supported by the European Center for Constitutional and Human Rights (Germany)

Nandana Manatunga, Human Rights Office (Sri Lanka)

Nushin Sarkarati, Center for Justice and Accountability (United States of America)

Olga Sadovskaya, LUDI (Russian Federation)

Patrick Kroker, European Centre for Constitutional and Human Rights (Germany)

Paula María Martínez Velásquez, Equipo de Estudios Comunitarios y Acción Psicosocial (Guatemala)

Alain Werner, Civitas Maxima (Switzerland)

Other participants

Jens Modvig, Chair, Committee against Torture